

CL00L151 - DIANNE C. MITCHELL

CLAIM OF: OSCAR BROUGHTON,

through his attorney,

A. Catherine Henderson

6255 Barfield Road

Suite 155

Atlanta, Georgia 30328

For damages alleged to have been sustained as a result of a vehicular accident on November 21, 1999 at Harris and Courtland Streets.

THIS ADVERSED REPORT IS
APPROVED

BY: *Rosalind Rubens Newell*
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

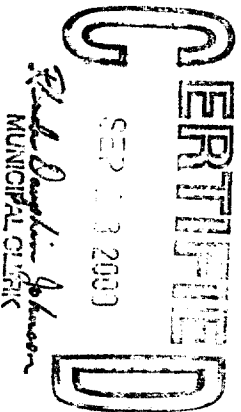
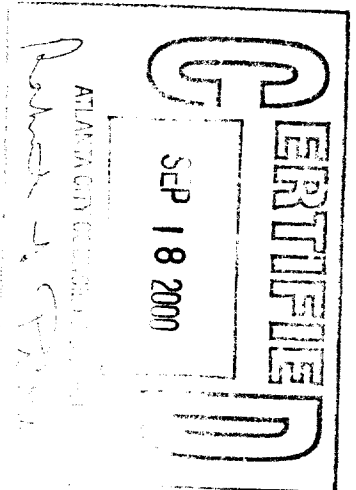
ADVISED REPORT

Public Safety

7/12/00

C. Tallent
Michael Ball

Steve Seal
John H. H. H.
John H. H. H.



ADVERSED BY
CITY COUNCIL SEP 18 2000

September 28, 2000

A. Catherine Henderson
Attorney at Law
6255 Barfield Road
Suite 155
Atlanta, GA 30328

00-R-1357

RE: Oscar Broughton

Dear Attorney Henderson:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on January 03, 2000. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division at (404) 330-6400.**

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0151

Date: August 28, 2000

Claimant /Victim OSCAR BROUGHTON
BY: (Atty.) A. Catherine Henderson
Address: 6255 Barfield Road, Suite 155, Atlanta, Georgia 30328
Subrogation: Claim for Property damage \$ 8,095.69 Bodily Injury \$
Date of Notice: 03/07/00 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 11/21/99 Place: Harris and Courtland Streets
Department Police Division:
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges he was involved in a vehicular accident when a privately owned bus ran a red light and collided with him. The investigation determined that the bus was part of a motorcade that was being escorted by motorcycle units from both Clayton County Police and City of Atlanta Police. The City of Atlanta motor unit recalled that the Clayton County motor unit was leading and had not had an opportunity to stop traffic prior to the bus running the red light. The claimant's attorney has been advised to pursue her claim against the bus company and/or Clayton County.

INVESTIGATION:

Statements: City employee X Claimant Others Written Oral X
Pictures Diagrams Reports: Police X Dept Report Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months Other Damages reasonable
City not involved X Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager: Dianne C. Mitchell Concur/date 08-28-00
Committee Action: Council Action

JON McPHAIL & ASSOCIATES, LLC
ATTORNEYS AT LAW

Jordan
03/07/00
6255 BARFIELD ROAD
SUITE 155
ATLANTA, GEORGIA 30328
(404) 250-9200
TELECOPIER (404) 250-9239
MAILING ADDRESS:
P. O. BOX 467639
ATLANTA, GEORGIA 31146

ENTERED - 3-9-00 - SB
00L0151 - DOBBS JORDAN

March 2, 2000

VIA CERTIFIED MAIL

The City Atlanta Law Department
Suite 4100, City Hall Tower
68 Mitchell Street, SW
Atlanta, Georgia 30335-0332

Re: Insured : GCL Acquisition d/b/a Green Classics Limo
Insured Driver: Oscar Broughton
Third Party : American Coach
Claim # : 838 AC 01782
Policy # : 20UUNSM3777
Date/Loss : 11/21/99
Our File # : HFD17103

ANTE LITEM NOTICE

TO: City of Atlanta Law Department

Hartford Insurance Company a/s/o GCL Acquisition hereby gives notice to the City of Atlanta of a claim for property damage as provided by O.C.G.A. § 36-33-5. The claim results from a motor vehicle accident that occurred on November 21, 1999. The Hartford's insured driver was traveling south on Courtland Street through the intersection of Courtland and Harris Street. Hartford's insured had the right of way, as the light was green on Courtland Street. The insured driver proceeded through the green light to be struck by a bus being escorted by uniformed City of Atlanta motorcycle police officers. The bus had been waved through the red light at the intersection of Courtland Street and

Harris Street by a uniformed motorcycle police officer. The officer was negligent in not stopping traffic on Courtland before sending the bus through the intersection. The uniformed motorcycle officer was not in the intersection blocking traffic when he waved the bus through. The details of the accident are more fully set out in the attached police report. As a result of the negligence of the City of Atlanta Police Department, Hartford sustained \$8,095.69 in damages. Therefore, Hartford demands indemnification from the City of Atlanta for this amount.



A. Catherine Henderson
Georgia Bar Number 345299

OF COUNSEL:
Jon McPhail & Associates, LLC
P. O. Box 467639
Atlanta, Georgia 31146
(404) 250-9200

00- -1357

RCS# 2218
9/18/00
2:15 PM

Atlanta City Council

Regular Session

CONSENT

PAGES: 1-19

ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 1

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	NV Woolard	B Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA
00-R-1321
00-R-1322
00-R-1388
00-O-1435

CORRECTED COPY

CONSENT

		09/18/00 Council Meeting
ITEMS ADOPTED ON CONSENT AGENDA		ITEMS ADVERSED ON CONSENT AGENDA
1. 00-O-1234 2. 00-O-1007 3. 00-O-1015 4. 00-O-1427 5. 00-O-1429 6. 00-O-1432 7. 00-R-1387 8. 00-R-1392 9. 00-R-1395 10. 00-R-1452 11. 00-R-1340 12. 00-R-1323 13. 00-R-1433 14. 00-R-0560 15. 00-R-0561 16. 00-R-1454 17. 00-R-1299 18. 00-R-1308 19. 00-R-1334 20. 00-R-1335 21. 00-R-1338 22. 00-R-1394 23. 00-R-1331 24. 00-R-1330 25. 00-R-1332 26. 00-R-1333 27. 00-R-1337 28. 00-R-1339 29. 00-R-1419 30. 00-R-1426 31. 00-R-1342 32. 00-R-1343 33. 00-R-1344 34. 00-R-1345 35. 00-R-1346 36. 00-R-1347 37. 00-R-1348 38. 00-R-1349 39. 00-R-1350 40. 00-R-1351	41. 00-R-1352 42. 00-R-1353 43. 00-R-1397 44. 00-R-1398 45. 00-R-1399 46. 00-R-1400 47. 00-R-1401 48. 00-R-1402 49. 00-R-1403 50. 00-R-1404	51. 00-R-1357 52. 00-R-1358 53. 00-R-1359 54. 00-R-1360 55. 00-R-1362 56. 00-R-1363 57. 00-R-1364 58. 00-R-1365 59. 00-R-1366 60. 00-R-1367 61. 00-R-1368 62. 00-R-1369 63. 00-R-1370 64. 00-R-1371 65. 00-R-1372 66. 00-R-1373 67. 00-R-1374 68. 00-R-1375 69. 00-R-1376 70. 00-R-1377 71. 00-R-1378 72. 00-R-1379 73. 00-R-1380 74. 00-R-1381 75. 00-R-1382 76. 00-R-1383 77. 00-R-1384 78. 00-R-1385 79. 00-R-1386 80. 00-R-1405 81. 00-R-1406 82. 00-R-1407 83. 00-R-1408 84. 00-R-1409 85. 00-R-1410 86. 00-R-1411 87. 00-R-1412 88. 00-R-1413